

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALVIN J. FREEMAN, etc.,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 8141
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM ORDER

Following the mid-January bench trial in this Federal Tort Claims Act action, counsel for both parties have complied with this Court's post-trial direction to submit proposed findings of fact ("findings") and conclusions of law ("conclusions"). As the tenor of this Court's questions and comments during the course of the trial had suggested, it expects to rule in favor of Executor Alvin Freeman and against the United States. Although counsel for the presumptively successful plaintiff has submitted proposed findings and conclusions in a narrative form rather than by successively numbered paragraphs (the latter procedure being this Court's normal preference), there is no specific format prescribed by Fed. R. Civ. P. ("Rule") 52(a)(1) or by the caselaw (see, e.g., Rucker v. Higher Educ. Aids Bd., 669 F.2d 1179, 1184 (7th Cir. 1982)) or by any local rule, so that this Court will work with and from plaintiff's submission.

That said, however, one aspect of that submission--its treatment of the damages issue--plainly calls for further input

from plaintiff's counsel. As the United States' submission (its ¶¶109-24) indicates, such opinions as Jutzi-Johnson v. United States, 263 F.3d 753, 758 (7th Cir. 2001) and Arpin v. United States, 521 F.3d 769, 776 (7th Cir. 2008) call for studied analysis by the court, rather than its merely issuing an ipse dixit announcing a bottom line figure, with that analysis drawing on "awards in similar cases, both in Illinois and elsewhere" (Arpin, id. at 776). Accordingly plaintiff's counsel is ordered to provide a supplementary submission citing authorities that would tend to justify an award of damages in the \$3 million range (as requested) on or before February 27, 2013.



Milton I. Shadur
Senior United States District Judge

Date: February 15, 2013